

REMARKS

Claims 16-27 are pending in the application, of which claim 16 is independent. Claims 1-15 are cancelled without prejudice to or disclaimer of the underlying subject matter. Claims 21, 22, and 25 are withdrawn. Claims 16-20, 23, 24, 26, and 27 stand rejected by the Office action mailed November 23, 2010. No new matter has been added. Reconsideration and withdrawal of the outstanding rejections and allowance of the application is respectfully requested in view of the following remarks.

Rejections Under 35 U.S.C. § 103(a)

Claims 16-18, 20, 23, & 28

Claims 16-18, 20, 23, and 28 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Werner *et al.* (US 2002/0168562, hereinafter “Werner”) in view of Remacle *et al.* (US 2002/0177144). This rejection is respectfully traversed.

Independent claim 16 recites, *inter alia*, an opaque temperature-controlled chamber having a centrifuge rotor therein, and means for controlling the temperature of said chamber and the operation of said rotor.

The Office asserted that Werner allegedly teaches “an opaque temperature controlled chamber having a centrifuge rotor therein ... disc is inside optical disc drive and is temperature controlled, therefore chamber is temperature controlled.”¹ An optical disc drive, however, is not an opaque chamber; the term “optical disc drive” refers to the means by which the disk drive reads information from the disk, for example by use of a laser. Thus, Werner does not disclose an opaque chamber. The Office conceded that Werner does not teach or suggest a means for controlling the temperature of the chamber.²

The Office cited Remacle for allegedly teaching “a temperature controlled chamber having a centrifuge rotor.”³ Remacle, however, discloses “molded chambers [that] are located on a heating

¹ Office Action, 3 (Nov. 23, 2010).

² Office Action, 5.

³ Office Action, 5.

plate equivalent or equivalent device.”⁴ Remacle points out at paragraphs [0144] to [0147] and in FIG. 9 that the chambers are within the disc (which the Office refers to as a centrifuge rotor) and it is the chambers within the disc whose temperature is controlled via a heating plate equivalent. Thus, in contrast to the present claims where the rotor is contained within a chamber and it is that chamber which is temperature controlled, Remacle teaches the direct temperature control of the chambers within a disc. Accordingly, Applicant respectfully submits that Remacle’s placement of molded chambers onto a heating plate equivalent does not suggest an “opaque temperature-controlled chamber having a centrifuge rotor therein,” as claimed.

Regardless, the Office has not articulated sufficient reasoning with any rational underpinning to explain why one of ordinary skill would use the heating plate equivalent of Remacle with the method of Werner because Remacle specifies that the heating plate equivalent be placed in direct contact with Remacle’s molded chambers. Even if one of ordinary skill did combine the heating plate equivalent of Remacle with the method of Werner, the combination would not yield the claimed method because neither reference suggests the instantly-claimed chamber.

Thus, Werner, Remacle, and the combination thereof neither teach nor suggest an opaque temperature-controlled chamber having a centrifuge rotor therein, and means for controlling the temperature of said chamber and the operation of said rotor, as claimed. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claims 16-18, 20, 23, and 28 under 35 U.S.C. §103(a) as being unpatentable over Werner in view of Remacle.

Claim 19

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner in view of Remacle. This rejection is respectfully traversed.

Claim 19 depends from independent claim 16. As explained above, neither Werner, Remacle, nor the combination thereof teach or suggest an opaque temperature-controlled chamber having a centrifuge rotor therein, and means for controlling the temperature of said chamber and the operation of said rotor, as claimed.

⁴ Remacle, ¶ [0145] (Nov. 28, 2002) (emphasis added).

Thus, the subject matter of claim 19 is not rendered unpatentable by Werner in view of Remacle. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 19 under 35 U.S.C. §103(a) as being unpatentable over Werner in view of Remacle.

Claim 24

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner in view of Remacle, as applied to claims 16 and 23, in view of Gjerde, *et al.* (US 6,210,885, hereinafter “Gjerde”). This rejection is respectfully traversed.

Claim 24 depends from independent claim 16. As explained above, neither Werner, Remacle, nor the combination thereof teach or suggest an opaque temperature-controlled chamber having a centrifuge rotor therein, and means for controlling the temperature of said chamber and the operation of said rotor, as claimed. Applicant submits that Gjerde does not add anything that would remedy the aforementioned deficiencies in Werner and Remacle.

Thus, the subject matter of claim 24 is not rendered unpatentable by Werner, Remacle, Gjerde, or any combination thereof. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. §103(a) as being unpatentable over Werner in view of Remacle, as applied to claims 16 and 23, in view of Gjerde.

Claim 26

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner in view of Remacle, as applied to claim 16, and further in view of Gordon *et al.* (US 2002/0098528, hereinafter “Gordon”). This rejection is respectfully traversed.

Claim 26 depends from independent claim 16. As explained above, neither Werner, Remacle, nor the combination thereof teach or suggest an opaque temperature-controlled chamber having a centrifuge rotor therein, and means for controlling the temperature of said chamber and the operation of said rotor, as claimed. Applicant submits that Gordon does not add anything that would remedy the aforementioned deficiencies in Werner and Remacle.

Thus, the subject matter of claim 26 is not rendered unpatentable by Werner, Remacle, Gordon, or any combination thereof. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 26 under 35 U.S.C. §103(a) as being unpatentable over Werner in view of Remacle, as applied to claim 16, and further in view of Gordon.

Claim 27

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner in view of Remacle, as applied to claim 16, and further in view of Almogy (US 6,236,454, hereinafter “Almogy”). This rejection is respectfully traversed.

Claim 27 depends from independent claim 16. As explained above, neither Werner, Remacle, nor the combination thereof teach or suggest an opaque temperature-controlled chamber having a centrifuge rotor therein, and means for controlling the temperature of said chamber and the operation of said rotor, as claimed. Applicant submits that Almogy does not add anything that would remedy the aforementioned deficiencies in Werner and Remacle.

Thus, the subject matter of claim 27 is not rendered unpatentable by Werner, Remacle, Almogy, or any combination thereof. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 27 under 35 U.S.C. §103(a) as being unpatentable over Werner in view of Remacle, as applied to claim 16, and further in view of Almogy.

Claim 29

Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Werner in view of Remacle, as applied to claim 16, and further in view of Yasuda (US 6,093,370, hereinafter “Yasuda”). This rejection is respectfully traversed.

Claim 29 depends from independent claim 16. As explained above, neither Werner, Remacle, nor the combination thereof teach or suggest an opaque temperature-controlled chamber having a centrifuge rotor therein, and means for controlling the temperature of said chamber and the operation of said rotor, as claimed. Applicant submits that Yasuda does not add anything that would remedy the aforementioned deficiencies in Werner and Remacle.

Thus, the subject matter of claim 29 is not rendered unpatentable by Werner, Remacle, Yasuda, or any combination thereof. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection of claim 29 under 35 U.S.C. §103(a) as being unpatentable over Werner in view of Remacle, as applied to claim 16, and further in view of Yasuda.

Conclusion

In view of the remarks above, Applicant respectfully submits that the stated grounds for rejection have been properly addressed and that all of the claims are patentable, and so request favorable action thereon. The Examiner is invited to contact the undersigned if any additional information is required.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-4254, under Attorney Docket No. 2913474-003000.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

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920 Massachusetts Avenue, N.W.
Suite 900
Washington, DC 20001

Telephone: 202-508-3400
Facsimile: 202-508-3402

/C.G. Moore/
Chester G. Moore, Ph.D.
Reg. No. 53,345
Telephone: 985-819-8420

David W. Woodward
Registration No. 35,020